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November 28, 2005

## BY FAX and FIRST CLASS MAIL

Paul F. Doyle, Esq.  
Kelley Drye & Warren, LLP  
101 Park Avenue  
New York, NY 10178

In re: Pharmaceutical Industry Average Wholesale Price Litigation  
Civil Action No. 01-12257-PBS

Dear Mr. Doyle:

As you know, I represent Neighborhood Health Plan ("NHP"). I have not heard back from you in response to my letter dated November 21, 2005. You have not responded to my offer to discuss with you Nonparty Neighborhood Health Plan, Inc.'s Objections to Subpoena for the Production of Documents. Nor have you responded to my inquiry concerning the scheduling of the December 2, 2005 deposition of NHP.

I understand that plaintiffs now have filed a motion for a protective order with respect to the subpoena to NHP. In light of plaintiffs' motion, please advise me whether you are willing to reschedule the deposition of NHP for some date after the plaintiffs' motion is decided.

Sincerely,



Susan Hughes Banning

SHB/dls

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# Hemenway & Barnes

**Fax**

To: Paul F. Doyle, Esq. From: Susan Hughes Banning, Esq.  
Company: Kelley Drye & Warren, LLP  
Fax: 212-808-7897 Pages: 2 Including cover sheet  
Phone: Date: November 28, 2005  
Re: CC:  
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NAME: HEMENWAY & BARNES  
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DATE: NOV 28 2005 15:20

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